

Rattenbury to raise warrants for MyWay data with Attorney-General

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Greens MLA Shane Rattenbury will discuss the introduction of additional privacy safeguards on AFP access to data retained on MyWay cards with Attorney-General Simon Corbell, despite ACT Policing insisting it is an acceptable investigative tool.

The Minister for Territory and Municipal Services' decision comes after [revelations the AFP has requested data retained on the cards 27 times since the introduction of the scheme in 2010, with 16 requests resulting in information being handed over to police.](#)

While ACT Policing would not detail how many arrests had resulted from access to the data, a spokeswoman said the information obtained had assisted investigations into murder and under-age sex crimes.

"We can disclose that the data generated has assisted in some very serious investigations, including murder, aggravated robbery, stalking, sexual intercourse with a young person under the age of 16 and assault," she said.

"It has also assisted in seeking missing persons."

MyWay data held by the ACT government - which is retained for a minimum of seven years - [can be disclosed to federal agencies](#) including the AFP, Australian Tax Office, Centrelink - and as needed in law enforcement, collection of fines or protection of public revenue.

[AFP investigators do not need warrants to access MyWay data, and are only required to comply with Australian privacy laws.](#)

Mr Rattenbury said he was "always concerned to ensure that data privacy is appropriate".

"This is a matter I will discuss with Attorney [General Simon Corbell]; however I would note that any change, to be consistent, would need to be applied to all data across government - as the same protocols apply across the board," he said.

"ACTION is using the same protocols and requirements that apply across all ACT government agencies."

But ACT Policing said the introduction of warrants on access to MyWay data would result in an unnecessary delay on police activities and investigations into serious offences.

"Timeliness can be vital in a police investigation, particularly when a person's life or safety may be under immediate threat," said an ACT Policing spokeswoman.

The spokeswoman said police will "always look to use a variety of tools and resources in their investigations of crime and to keep the community safe".

"Governance is well-established around the acquisition of this data for investigative purposes, and police use it only when necessary to an investigation," she said.

Mr Rattenbury said there was a clear process in place for the AFP to request data obtained on MyWay cards, despite his decision to discuss additional privacy safeguards with Mr Corbell.

"They have to provide details such as the legislation under which the request is made, details of why they want it,

details (such as badge number) of the person requesting it," he said.

"The form makes it clear that unless the request complies with legislation it will be refused."

Dr Tim Legrand, a lecturer at the national security college at the Australian National University, said policing agencies were likely to welcome any tool that could strengthen their ability to deter or detect crime.

"The ability to pinpoint the movements of suspects using public transport before, during or after committing an offence is certainly useful, though it should be emphasised that - as a tool - it can only complement and not replace tried-and-tested investigation methods," he said.

But associate dean at the University of Wollongong's international school of information systems and technology, Katina Michael, said it was a violation of citizens' privacy rights for public transport cards to be used in a fashion other than what they were intended for.

"Location data can reveal things about a person that should only be accessible with a warrant," she said.

"Who's to say that this kind of data will not be demanded en masse and used in ways to model a variety of human behaviour using big data approaches?"

Thousands of similar requests for personal information and user history have been made in Queensland and Victoria in recent years, [including in at least one murder investigation where police tracked a key witness to a Brisbane suburb](#).

MyWay travel history has been used in the reorganisation of Canberra's bus lines and timetables, including as part of the Network 14 changes [announced by Territory and Municipal Services Minister Shane Rattenbury this month](#).

This story was found at: <http://www.canberratimes.com.au/act-news/rattenbury-to-raise-warrants-for-myway-data-with-attorneygeneral-20140803-zzecq.html>